

# BEST AVAILABLE COPY

Practitioner's Docket No. 4204.32-2

**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joel Marquart et al.  
Serial No.: 10/772,142  
Filed: February 4, 2004  
Examiner: TBD  
Group No.: 3738  
Title: Computer-Assisted External Fixation  
Apparatus and Method

Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

### REQUEST FOR REFUND (IMPROPER CHARGES OF DEPOSIT ACCOUNT)

#### I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 13-4900, shown on the statement dated December 6, 2004, for the above-identified application.

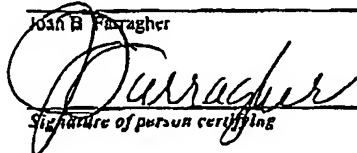
A copy of the monthly statement, in which the errors referred to occur, accompanies this request.

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to 703-308-5077 of the U.S. Patent and Trademark Office (Refunds - Deposit Accounts)

Date January 19, 2005

Joan B. Farragher  
  
Signature of person certifying

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## II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED

Filing Fee	790.00
Additional Claims Fee	18.00

TOTAL REFUND REQUESTED

\$808.00

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On December 6, 2004, Applicants filed a Response to Notice of Missing Parts of Nonprovisional Application, a copy of which is attached. On the attached transmittal, Applicants indicated that a continuation application was being filed concurrently and requested that the referenced application be retained under 37 C.F.R. §1.53(f). The authorization to charge the deposit account for additional fees was limited to those "necessitated" by the paper. Payment of the basic filing fee and additional claims fee was not necessary given the request to retain the application and the filing of the continuation application. Therefore, authorization to pay the basic filing fee and additional claims fee was not given, and the charges for these fees are in error. Refund of these fees is respectfully requested

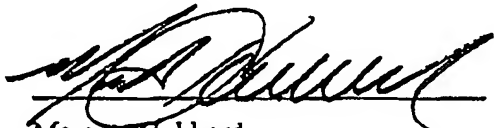
## IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 13-4900.

Date:

1-19-2005

Munsch Hardt Kopf & Hart, P.C.  
1445 Ross Avenue, Suite 4000  
Dallas, TX 75202-2790  
Tel. No.: 1-214-855-7571  
Fax No.: 1-214-855-7571

  
Marc A. Hubbard  
Reg. No. 32,506

Customer No.: 23559

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PATENT APPLICATION SERIAL NO. \_\_\_\_\_

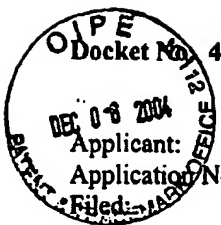
U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

2/16/2004 HNGUYEN 00000002 134900 10772142

1 FC:1001	790.00 DA
2 FC:1202	18.00 DA

Adjustment date: 04/28/2005 SDIRETA1  
12/16/2004 HNGUYEN 00000002 134900 10772142  
01 FC:1001 790.00 CR  
02 FC:1202 18.00 CR

PTO-1556  
(5/87)



Docket No. 4204.32-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joel Marquart, et al.  
Application No.: 10/772,142  
Filed: February 4, 2004  
For: Computer-Assisted External  
Fixation Apparatus and Method

Docket No.: 4204.32-1  
Examiner: TBD  
Art Unit: 3737

RESPONSE TO NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION

EXPRESS MAIL LABEL NO. **111 EV568572597US**

MAIL STOP: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being sent by the United States Postal Service Express Mail Post Office to Addressee to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 6, 2004.

Name: Marc A. Hubbard

Signature: [Signature]

Dear Sir:

In response to the Notice of Notice of Missing Parts of Nonprovisional Application mailed May 5, 2004, submitted herewith are:

1. Return copy of Notice of Missing Parts of Nonprovisional Application;
2. A Petition for Extension of Time under 37 C.F.R. 1.136(a);
3. A Petition under 37 CFR 1.41(a) and check in the amount of \$130 to cover required fee under 37 C.F.R. 1.17(i);
4. A check in the amount of \$2340 to cover the fee of \$2080 required under 37 C.F.R. 1.17(a), the processing fee required under 37 C.F.R. 1.17(i), and the surcharge fee of \$130 required under 37 C.F.R. 1.16(e); and
5. A return Receipt Postcard.

A continuation application, claiming priority to the above-referenced application, is being filed concurrently herewith pursuant to 37 C.F.R. 1.53(b).

Please retain the referenced application pursuant to 37 C.F.R. 1.53(f). If a required petition for extension of time under 37 C.F.R. §1.136(a) is not included herewith, please treat this paper as a petition for the extension. The Director is hereby authorized to credit any overpayment or charge any additional fees necessitated with this communication to Deposit Account 13-4900.

04/28/2005 SDIRETA1 00000036 10772142

01 FC:8025

130.00 DP

Respectfully submitted,

Date: Dec 6, 2004

Munsch Hardt Kopf & Harr, P.C.  
4000 Fountain Place  
1445 Ross Avenue  
Dallas, Texas 75202-2790  
Telephone: (214) 855-7571  
Facsimile: (214) 855-7584

[Signature]  
Marc A. Hubbard  
Reg. No. 32,506

12/08/04  
IFW #  
**UNITED STATES PATENT AND TRADEMARK OFFICE****UNITED STATES DEPARTMENT OF COMMERCE**  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/772,142	02/04/2004		4204.32-1

23559  
MUNSCH, HARDT, KOPF & HARR, P.C.  
INTELLECTUAL PROPERTY DOCKET CLERK  
1445 ROSS AVENUE, SUITE 4000  
DALLAS, TX 75202-2790**CONFIRMATION NO. 1873****FORMALITIES LETTER**

\*OC000000012529720\*

Date Mailed: 05/05/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)****Filing Date Granted****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$9 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$459 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

12/09/2004 MAHME1 00000048 10772142

01 FC:1051

130.00 OP

Adjustment date: 04/28/2005 SDIRETA1

12/09/2004 MAHME1 00000048 10772142

01 FC:1051

-130.00 OP

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